



national
geographical &
political software

COMMISSION
SECRETARIAT

2004 DEC -8 P 3:32

12/1/2004

1 2004 DEC -6 A 8:53

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR # 5625

SENSITIVE

Dear Mr. Norton:

My company, NGP Software, Inc., (www.ngpssoftware.com) is a corporation that provides clients with political and reporting software, database design, websites, online contribution processing, and other consulting services. On June 10, 2004, I requested an Advisory Opinion concerning the legality of a proposed upgrade to the software my company sells. This proposed upgrade would have allowed a user to see, through the software, what one of their donors (or prospective donors) has given to other candidates, PACs, and party organizations. This data would have been gathered from sources on the FEC's website.

In the Advisory Opinion, (AO 2004-24), the Commission concluded -- that the "proposed sale or inclusion of information about contributors (other than information about political committees that are contributors) obtained from the FEC's public records ... would be prohibited under the Act's restriction on the sale or use of such contributor information." NGP Software did not implement the proposed upgrade to the software, based on the AO.

Another campaign software firm, Aristotle International, Inc., (www.aristotle.com) offers and advertises this prohibited service. As evidence of this, I offer marketing materials that have been available on Aristotle's website, and emails that our customers have been sent by Aristotle.

In Exhibit 1, on Page 2, Aristotle offers a screenshot of this feature. Despite the fact that it is a fictitious donor, it very clearly illustrates the functionality. It is displaying an individual (John Doe) and contributions that have been given to both federal and state candidates. The caption on the side indicates a user can "never again leave money on the table by asking for too little, or the wrong amount, from a qualified prospect." This demonstrates that they are displaying historical contribution data for individual donors, pulled from FEC data sources, as prohibited by the Act, and as spelled out in AO 2004-24.

In Exhibit 2, bullet point 1, they again illustrate their intent with this feature. They tout the ability of their product to tell you "how much your contributors and supporters have given to other state candidates, PACs and party organizations." Again, this is a clear violation of the Act, for the same reasons spelled out above.

In Exhibit 3, page 2, bullet point 5, they detail the same feature. This time, they indicate that the feature is "not available with NGP or any other software program." That is true because it would be a violation of the Act to provide such a service.

5505 Connecticut Avenue, NW #277, Washington, DC 20015
Tel: 202-686-9330 Fax: 202-686-9331

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In Exhibit 4, they offer the same details as Exhibit 3, but go one step further. They cite AO 2004-24, demonstrating that they are aware of the prohibition on the sale or use of individual contributor data, especially for explicit fundraising purposes, but have chosen to ignore it.

NGP Software performed its due diligence, and sought advice as to the legality of this use of FEC data. The Commission said it was prohibited, and we have accepted that decision. We respectfully request the Commission act promptly to protect the privacy of individual donors reported to the FEC, by putting a halt to Aristotle's practices, and take appropriate action against them for their blatant disregard of the Commission's rulings.

Sincerely,



Nathaniel Pearlman
President
NGP Software, Inc.

Notary Public District of Columbia
CHARLES HELLER
My Commission Expires: Sept 30, 2008



Subscribed and sworn
before me this 2nd day
of December, 2004

10044263646

5

why

Choose

Campaign

Manager 5

Reason #1: Raise More Money.

Only Campaign Manager e has a seamless interface to millions of available contribution records.

When you're in a campaign, you need a way to raise money. You need a way to get your hands on the cash that will keep your campaign running. You need a way to get your hands on the cash that will keep your campaign running. You need a way to get your hands on the cash that will keep your campaign running.

Raise more money with Campaign Manager 5.

10/01/2000	\$123.00	ALAC INCORPORATE	FEDERAL
09/15/2002	\$250.00	SENATOR OF CLARK HEND, CHARLES W (CLARK)	FEDERAL
09/22/2000	\$100.00	Barkness, Edward	STATE

Reason #2: Information is Power.

Campaign Manager 5
integrates information
from the highly accurate
Aristotle US Registered
Voter File.

This tells you the birthday,
phone number, party ID,
or demographics of
records in your
database instantly.

Updated monthly by the Post
Office, bad addresses
are a thing of the past.

Now your software and voter
file are working
together.

A complete solution.

One click access to information from
the US Voter File.


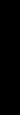


The screenshot displays the Campaign Manager 5 interface. At the top, there are navigation tabs: "Home", "Voter File", "Reports", "Tools", and "Help". Below the tabs, there is a search bar and a list of filters. The main area shows a table of registered voters with columns for Name, Address, City, State, Zip, and Date of Birth. The table is sorted by Date of Birth, showing records for "John A. Smith" and "Jane B. Doe".

Name	Address	City	State	Zip	Date of Birth
John A. Smith	1234 Main St	Anytown	CA	90210	01/01/1950
Jane B. Doe	5678 Oak St	Anytown	CA	90210	02/02/1951

Reason #3:

Every company's negative cash flow

[illegible]

Credit Card Processing


Money on Credit: Charles Hurd

Amount: \$1000.00
Frequency: ☒ Once ☐ Monthly
Card Number: _____
Expiry: /

Billing Address: ☐ Home ☐ Work ☐ Mail

Carterville, GA 30120

Process	Class

Credit Card Processing

 Name on Card: Charles Harris
 Amount: \$1000.00
 Frequency: ☒ Once ☐ Monthly
 Card Number:
 Expire: /
 Billing Address: Home Work Mail

 Process

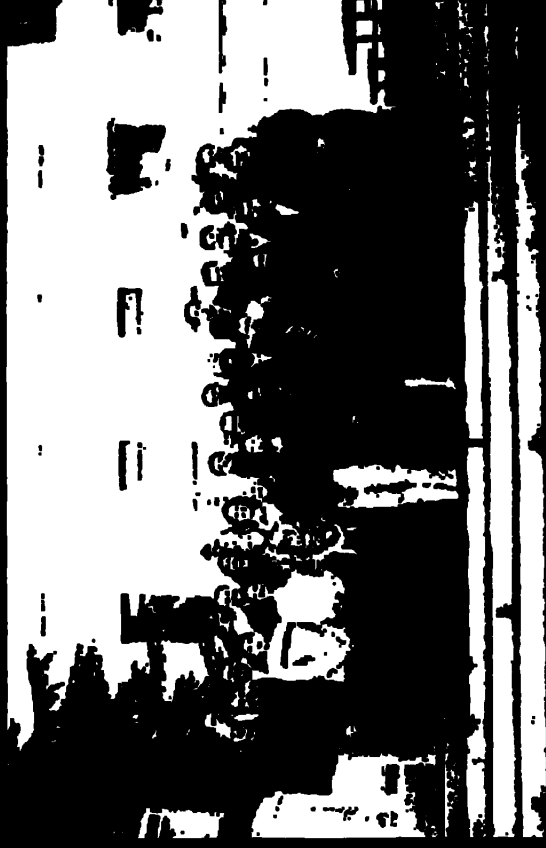
Reason #5: 100% Compliance Guaranteed.

Aristotle is the only company to back its products with a 100% compliance guarantee.

Friendly customer support is always available, toll-free, 24 Hours a day, 7 days a week.

One phone call gets you an immediate answer from a real person knowledgeable in State and Federal reporting.

That's why our customer service is rated #1 by campaigns, PAC's and grassroots groups.



5 Reasons Campaigns Choose Campaign Manager 5.

1. Raise More Money.
2. Information is Power.
3. Sticking to the Plan.
4. Pre-Approved for American Express, MasterCard, Visa and Discover Contributions.
5. 100% Guaranteed.

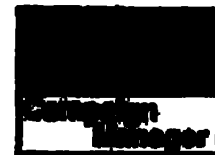



5 reasons why you'll love the new


Campaign Manager 5





www.aristotle.com



 Only Campaign Manager 5 instantly tells you how much your contributors and supporters have given to other state candidates, PACs or party organizations. This ensures you are not leaving money on the table when soliciting a contribution. Campaign Manager 5 helps you avoid the mistake of asking for \$250 from a donor who gives \$1,000 to others.

 All of your contacts are cross-referenced to Aristotle's enhanced US registered voter file. Pull up the name of any of your contacts, and you'll also get important details such as telephone number, address corrections from the post office, names of spouse or family members, party ID and vote history. This saves you thousands of dollars and many hours by keeping your database up-to-date with the most accurate information available in Aristotle's nationwide voter file.

 Campaign Manager 5 gives your organization the ability to instantly accept and process unlimited MasterCard, Visa, American Express or Discover contributions without the credit checks, personal guarantees, merchant accounts or monthly fees. If you use your own credit card company accounts, Campaign Manager 5 will record and report the contributions accurately.

 Fundraising, Pledge, and Event Tracking gives you a professional fundraising operation, showing exactly how much was promised, and who has delivered. Powerful predictive fundraising helps your finance team meet their goals. Integrated Web Fundraising with Affiliate Marketing (like Amazon.com) brings in contributions from like-minded supporters from out-of-state.

Unconditional compliance Guarantee. Aristotle's Campaign Manager 5 is the only software

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Shortcut To

Home



program for campaigns and PACs that comes with a 100% Unconditional Guarantee of Compliance with all state and federal campaign finance disclosure laws. Skilled, professional toll-free telephone support is always available 24 hours a day 7 days a week.

For more information about this exciting new software release, Campaign Manager 5, please contact your Aristotle Sales Representative at 800-296-2747.

Privacy Policy

© 2004 Aristotle International, Inc. All rights reserved.

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Exhibit 3 p1

Louis Levine

From: [REDACTED]
Sent: Monday, November 08, 2004 1:38 PM
To: [REDACTED]
Subject: FW: Campaign Manager 5 Special, Pay Nothing for 1 Year

-----Original Message-----

From: [REDACTED]
Sent: Monday, November 08, 2004 1:02 PM
To: [REDACTED]
Subject: Fwd: campaign Manager 5 Special, Pay Nothing for 1 Year

Quite an offer.

Sent with SnapperMail
www.snappermail.com

..... Forwarded Message

From: "Aristotle" <yourName@aristotle.com>

To: [REDACTED]
Date: Mon, 08 Nov 2004 12:50:14 -0500
Subj: Campaign Manager 5 Special, Pay Nothing for 1 Year

Thinking of switching from NGP to Aristotle? Now is the time to do it.

Between now and December 31st, you can upgrade from NGP to Aristotle's Campaign Manager 5 and pay nothing for one year.

This special includes:

- * No down payment and no payments for one year (\$500/month thereafter).
- * A 24-month license to Campaign Manager Web-Powered Software.
- * Free conversion of your data from NGP to Aristotle.
- * Free access to the complete enhanced registered voter file for your state.
- * Free access to enhanced and cleaned FEC contributor data back to 1992.
- * Free access to the contributor data for contributors to state candidates in 18 states.
- * Free lookups to the voter and contributor files from within Campaign Manager.
- * Free Toll-Free technical support 24/7
- * Free training at your organization's location.
- * Free training at Aristotle's next Washington, DC training event on December 9th
- * Immediately accept Amax, MasterCard and Visa contributions at your web site - no paperwork or bank guarantees involved.
- * Free Database Clean-up: We'll update your database with Fast Forward, the USPS certified Change-of-Address program to update addresses, add zip-plus-four and carrier route, and address standardization.

Top 6 Reasons NGP Users are Switching to Aristotle:

1. **Faster Support.** Only Aristotle offers instant access toll-free telephone support 24 hours a day, 7 days a week.

Exhibit 3 p2

2.Smarter Support. Only Aristotle employs FEC Compliance Experts who have worked at the FEC.

3.FEC Compliance Guarantee. Only Aristotle offers a lifetime guarantee of FEC compliance. Campaign Manager is constantly updated as compliance rules change.

4.Professional Manual. All new, professionally written Campaign Manager manual with easy-to-use, step-by-step instructions.

5.Smarter Fundraising. Only Campaign Manager tells you how much your contributors have given to other candidates, PACs and parties. Not available with NGP or any other software program.

6.Unbeatable Offer. Switch now and make no payments for 12 months.

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Our campaign made the decision to switch from NGP to Aristotle because of reliability issues and glitches in NGP's program. Aristotle's Campaign Manager program is more intuitive, easier to learn and is accompanied by a professional user manual. Aristotle's customer service

m a n a g e r™

ARISTOTLE

Thinking of switching from NGP to Aristotle? Now is the time to do it.

Between now and December 31st, you can upgrade from NGP to Aristotle's Campaign Manager 5 and pay nothing for one year.

This special includes:

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- 24 Month License to Campaign Manager Web-Powered Software
- Free conversion of your data from NGP to Aristotle.
- Free access to the complete enhanced registered voter file for your state.
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Alert: Federal Election Commission Advisory Adopts Aristotle Position; NGP Request Unanimously Rejected

(Washington, DC August 12, 2004) In a striking 5-0 vote, the Federal Election Commission rejected a request by software seller NGP for permission to include FEC individual contributor data for purposes not permitted under the law, agreeing unanimously with Aristotle International's concern about illegal political activity that would put campaign committees on the wrong side of the law and at grave risk of serious penalties. The commissioners also deleted confusing draft language about which Aristotle had raised concerns.

NGP had sought the commission's approval to circumvent current law by a method that would "sort and organize" FEC data into a client's database "based on the client's needs," including for the expressed purpose of "soliciting contributions." NGP also asked if it might provide data to its customers, "regardless of intended use." Aristotle expressed the view that the proposed NGP scheme violated current law and should be rejected. The FEC agreed unanimously.